

Broadband Analog Optical Link Using Multiple Wavelengths” by Edward Acherman, Technical Digest International Topical Meetings on Microwave Photonics October 12-14, 1998 Sarnoff Corporation, Princeton, New Jersey, pages 45-47. The Examiner is respectfully requested to reconsider this Declaration. It is respectfully submitted that the Declaration together with the internal memorandum is sufficient to establish a date of invention prior to the references being relied on by the Examiner.

CLAIM REJECTION - 35 U.S.C. § 102:

Claims 1, 2, 5, 13-15 and 22-24 were rejected under 35 U.S.C. §102(e) as being anticipated by *Burns et al.* U.S. Patent No. 5,917,970. In addition, claims 1, 2, 5, 13-15 and 22-24 were rejected under 35 U.S.C. §102(e) as being anticipated by the *Ackerman* article mentioned above. Claim 12 has been rejected under 35 U.S.C. §102 as being anticipated by the *Dishman et al.* U.S. Patent No. 6,271,953. As set forth in the attached Declaration by David L. Rollins and supporting memorandum, the Applicant respectfully swears behind the *Burns et al.* and *Dishman et al.* U.S. patents as well as the *Acherman* technical paper. Accordingly, this rejection should be obviated. X

CLAIM REJECTION - 35 U.S.C. § 103:

Claim 7 has been rejected under the *Burns et al.* patent in view of the *Dishman et al.* patent or *Franck et al.* U.S. Patent No. 6,188,497. Claims 3, 4 and 16-18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the *Ackerman* article in view of *Yao* U.S. Patent No. 5,917,179. Claims 19-21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the *Ackerman* article in view of *Yao* U.S. Patent No. 5,917,179 in view of the *Dishman et al.* patent or *Franck et al.* U.S. Patent No. 6,188,497. As set forth above, the Applicant respectfully swears behind the *Burns et al.*, *Dishman et al.* patents as well as the

Ackerman article. The *Yao* patent was cited for disclosing an optical modulator but does not itself disclose or suggest the inventions recited in the claims at issue. Accordingly, the above mentioned rejections under 35 U.S.C. §103(a) are obviated.

Please direct all future correspondence on this case to the undersigned.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Date: 4-30-03

Respectfully submitted,

By: 

John S. Paniaguas

Registration No.: 31,051

KATTEN MUCHIN ZAVIS ROSENMAN
525 West Monroe Street - Suite 1600
Chicago, Illinois 60661
Tel: (312) 902-5312/Fax: (312) 577-4532